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6 Attorneys for Defendants
7 COUNTY BUILDING MATERIALS, INC., DBA'S PAYLESS HARDWARE
8 & ROCKERY AND PAYLESS NURSERY, AND JAY R. WILLIAMS

8 UNITED STATES DISTRICT SUPERIOR COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 (SAN JOSE DIVISION)

11 ROBERT MCCARTHY,)	CASE NO. C 08-04403 JW
)	
12 Plaintiff,)	STIPULATION OF DISMISSAL WITH
)	PREJUDICE AND (Proposed) ORDER
13 vs.)	
)	
14 COUNTY BUILDING MATERIALS, INC., et)	
15 al.,)	
)	
16 Defendants.)	
)	
17)	

18 Plaintiff ROBERT MCCARTHY and Defendants COUNTY BUILDING MATERIALS,
19 INC., DBA'S PAYLESS HARDWARE & ROCKERY AND PAYLESS NURSERY, AND JAY
20 R. WILLIAMS, by and through their respective attorneys of record, hereby stipulate as follows:

21 1. The Parties have entered into a Confidential Settlement Agreement and General
22 Release in this matter whereby they have resolved all claims and agreed to the dismissal of the
23 above-captioned action with prejudice, each party to bear their own attorney fees and costs.

24 2. Accordingly, the Parties jointly request the Court to dismiss this action with

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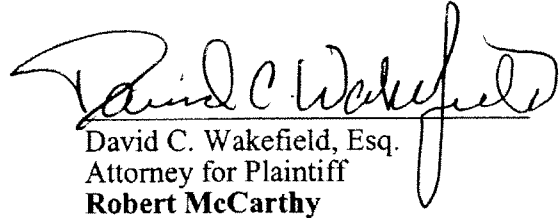
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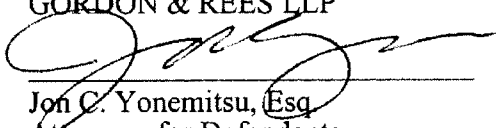
1 prejudice.

2 Dated: January 20, 2009

3 
David C. Wakefield, Esq.
Attorney for Plaintiff
Robert McCarthy

4
5
6 Dated: January 8, 2009

GORDON & REES LLP

7 
8 Jon C. Yonemitsu, Esq.
9 Attorneys for Defendants
County Building Materials, Inc., Dbas
10 Payless Hardware & Rockery And
Payless Nursery, And Jay R. Williams


11 **ORDER OF DISMISSAL WITH PREJUDICE**

12 Having considered the parties' Stipulation of Dismissal with Prejudice and for good
13 cause appearing, it is hereby ORDERED:

14 1. The action MCCARTHY v. COUNTY BUILDING MATERIALS, INC., et al.,
15 Case Number C 08-04403 JW, is dismissed with prejudice with each party to bear their own
16 attorneys fees and costs.

The Court terminates all pending deadlines, hearings and motions. The Clerk shall close this file.

17
18 Dated: January 30, 2009

19 
UNITED STATES DISTRICT JUDGE

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